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PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 21 JUL 2005

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Applicant's or agent's file reference 022255.0033P		FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/US04/00599		International filing date (day/month/year) 08 January 2004 (08.01.2004)	Priority date (day/month/year) 08 January 2003 (08.01.2003)	
International Patent Classification (IPC) or national classification and IPC IPC(7): F16L 21/06 and US Cl.: 285/243, 322, 369, 374				
Applicant CALIFORNIA MARINE TECHNOLOGIES, LLC				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>2</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of ___ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input checked="" type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 13 July 2005 (13.07.2004)		Date of completion of this report 23 May 2005 (23.05.2005)		
Name and mailing address of the IPEA/ US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230		Authorized officer <i>S. Wildermuth for</i> James Hewitt Telephone No. 571-272-3600		

Form PCT/IPEA/409 (cover sheet)(January 2004)

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

- ☒ the international application as originally filed/furnished
- ☒ the description:
- pages 1-5 as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- pages 6-7 as originally filed/furnished
- pages* _____ as amended (together with any statement) under Article 19
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the drawings:
- pages 1 as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to the sequence listing (specify): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to the sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/US04/00599

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims NONE YES

Claims 1-16 NO

Inventive Step (IS)

Claims NONE YES

Claims 1-16 NO

Industrial Applicability (IA)

Claims 1-16 YES

Claims NONE NO

2. Citations and Explanations (Rule 70.7) Please See Continuation Sheet

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US04/00599

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

The drawings are objected to under PCT Rule 66.2(a)(iii) as containing the following defect(s) in the form or content thereof:

Reference numerals 1, 24A, 24B, 26A, and 26B mentioned in the description are absent from the drawings.

In Figure 1, the lead line just below reference numeral 2 has no numeral associated therewith.

The description is objected to as containing the following defect(s) under PCT Rule 66.2(a)(iii) in the form or contents thereof:

On page 3 lines 4, 7, and 10, "0" should be replaced with "O".

On page 23, "inter" should be replaced with "inner".

Claims 12-16 are objected to under PCT Rule 66.2(a)(iii) as containing the following defect(s) in the form or contents thereof:

In claim 12 line 1, the phrase "having a" should be deleted.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US04/00599

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The drawings are objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 7 because:

The drawings are objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 7 because:

In Figure 1, it is apparent that the middle portion of the coupling should be depicted as open, and not solid as shown (in cross-hatching). Similarly, in Figures 1 and 2, the tube insert should be shown as open, and not solid (cross-hatched).

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

V. 2. Citations and Explanations:

Claims 1, 4-5, 8-9, 11-12, and 14-16 lack novelty under PCT Article 33(2) as being anticipated by Salomon-Bahls et al (US 6,170,887).

With respect to claim 1, Salomon-Bahls et al discloses an insert (8) in a push-in type tube coupling having a primary seal (38), the insert sized and dimensioned to fit in a lumen of a tube (2) to be inserted into the coupling, and the insert having at least one secondary seal (24).

With respect to claim 4, further comprising a chamfered base that facilitates insertion of the insert into the coupling.

With respect to claim 5, further has a mechanism (see Figure 2 for example) that impedes accidental removal of the insert from the coupling.

With respect to claim 8, wherein the at least one secondary seal comprises a circumferential boss.

With respect to claim 9, wherein the insert is integrally formed as part of the coupling. The insert has been interpreted as integral inasmuch as it is fixedly and rigidly attached to the coupling.

With respect to claim 11, Salomon-Bahls et al discloses a push-in type coupling system, comprising a body with (a) at least one sleeve that receives an end of a length of tubing (2), (b) a primary seal (38), and (c) a tubing insert (8) that is movable within the body.

With respect to claim 12, further comprising the tubing insert having a secondary seal (24).

With respect to claim 14, wherein the secondary seal comprises a boss circumferentially disposed about a portion of the insert.

With respect to claim 15, wherein the secondary seal is juxtaposed between the insert and a wall of the sleeve.

With respect to claim 16, wherein the secondary seal is juxtaposed between the insert and a wall of the tubing.

Claims 1-7, 10-13, and 15-16 lack novelty under PCT Article 33(2) as being anticipated by Viegner (CH 667 317).

With respect to claim 1, Viegner discloses an insert (6) in a push-in type tube coupling having a primary seal (one of the three o-rings shown), the insert sized and dimensioned to fit in a lumen of a tube (1) to be inserted into the coupling, and the insert having at

Supplemental Box

least one secondary seal (the other two of the three o-rings shown).

With respect to claim 2, having at least two secondary seals.

With respect to claim 3, further comprising a base and a shaft, wherein one of the at least two secondary seals is disposed around the base, and another of the at least two secondary seals is disposed around the shaft.

With respect to claim 4, further comprising a chamfered base that facilitates insertion of the insert into the coupling.

With respect to claim 5, further has a mechanism that impedes accidental removal of the insert from the coupling.

With respect to claim 6, wherein the mechanism comprises a base having a shoulder (insert flange) that cooperates with a retaining ring (9) of the coupling to impede accidental removal of the insert from the coupling.

With respect to claim 7, wherein the primary seal and at least one secondary seal comprise "O" rings.

With respect to claim 10, wherein the insert is a separate piece housed within the coupling.

With respect to claim 11, Viegner discloses a push-in type coupling system, comprising a body (2) with (a) at least one sleeve that receives an end of a length of tubing (1), (b) a primary seal (one of the three o-rings shown), and (c) a tubing insert (6) that is movable within the body.

With respect to claim 12, further comprising the tubing insert having a secondary seal.

With respect to claim 13, wherein the secondary seal comprises an "O" ring.

With respect to claim 15, wherein the secondary seal is juxtaposed between the insert and a wall of the sleeve.

With respect to claim 16, wherein the secondary seal is juxtaposed between the insert and a wall of the tubing.

Claim 9 lacks an inventive step under PCT Article 33(3) as being obvious over Viegner (CH 667 317).

Viegner fails to teach that the insert is formed integral with the coupling. Nevertheless, especially since Applicant offers forming the insert integral with the coupling as a mere alternative, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form Viegner's insert integral with the coupling (as by bonding or other attachment means) as a matter of design choice.

Claims 1-16 meet the criteria set out in PCT Article 33(4), and thus meets industrial applicability because the subject matter claimed can be made or used in industry.